

Minutes of the 25 July 2011
Special Meeting of the Yancey County Board of Commissioners
Held at 8:00 o'clock p.m. in the Commissioners Board Room
Yancey County Courthouse, Burnsville, North Carolina

Present at the 25 July 2011 meeting of the Yancey County Board of Commissioners were Chairman Johnny Riddle, Commissioner Jill Austin, Commissioner Dale England, Commissioner Michele Presnell, Commissioner Marvin Holland, County Manager Nathan Bennett, Clerk to the Board Jason Robinson, County Attorney Donny Laws, Finance Director Lynne Hensley, and members of the general public.

Call to Order and Approval of Agenda

Chairman Riddle called the meeting to order, welcomed everyone and asked for a motion to approve the agenda. Commissioner England made the motion to approve the agenda and it was seconded by Commissioner Presnell. The vote to approve was unanimous. (Attachment A)

Tax Appeal

The Board heard from Randy Banks of Mountain Air Country Club about wanting to settle the lawsuit that is pending in the North Carolina Court of Appeals dealing with the 2008 and 2009 property taxes for Mountain Air Country Club, Mountain Air Development Corporation, and Settler's Edge. Mr. Banks asked that the Board accept his offer to pay the taxes for 2008 and 2009. He stated that he believed that there were a lot of procedural issues that were not followed by the Property Tax Commission when it ruled in the county's favor on these matters. He further stated that he had to know something today so that he could tell his attorneys to go ahead with the appeal or not. County Attorney Donny Laws advised the Board that if they had any questions for Mr. Banks to asked them so as to clarify his offer of settlement. Mr. Laws also asked the Board that they allow him as the county attorney to confer with them about this matter. Chairman Riddle asked if Mr. Banks would be willing to come up with a higher number and Mr. Banks responded that he could not. Chairman Riddle then asked for a motion to go into closed session pursuant to NCGS 143-318.11(a)(3) for discussion of pending litigation with the county attorney in the matter of Mountain Air Country Club, Settler's Edge LLC, and Mountain Air Development Corporation, LLC. The motion was made by Commissioner Holland and it was seconded by Commissioner England. The vote to go into closed session was unanimous.

Upon returning to open session Chairman Riddle advised Mr. Banks to ahead with whatever he had to do with the appeal.

Adjournment

Having no further business Commissioner Presnell made a motion to adjourn and it was seconded by Commissioner Holland. The vote to adjourn was unanimous.

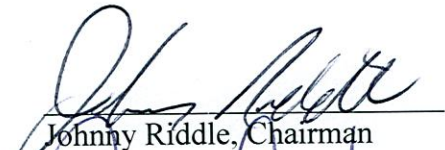
Approved and authenticated on this the 6th day of September 2011.

Attest:


J. Jason Robinson
Clerk to the Board

(county seal)

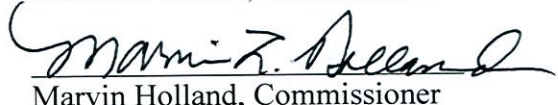



Johnny Riddle, Chairman


Jill Austin, Commissioner


Dale England, Commissioner


Michele Presnell, Commissioner


Marvin Holland, Commissioner

Attachment A

COUNTYMANAGER
Nathan Bennett



COMMISSIONERS
Jill Austin
Dale England
Marvin Holland
Michele Presnell
Johnny Riddle

YANCEY COUNTY

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AGENDA
YANCEY COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING
July 25, 2011
8:00 P.M.

- I. Call to Order – Chairman Johnny Riddle
- II. Approval of Agenda
- III. Tax Department Matters and Discussion of Pending Property Tax Appeals
- IV. Adjourn